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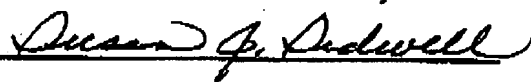
Group Art Unit: 3626

Re: Application No. 09/800,697

See the attached Reply Brief

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Susan J. Sidwell



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PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/800,697
Filing Date: March 7, 2001
Applicant: Prudence A. McIntosh
Group Art Unit: 3627
Examiner: V. Frenel
Title: COMPUTER-IMPLEMENTED VEHICLE REPAIR CLAIMS
RULES GENERATOR SYSTEM
Attorney Docket: 705445US1

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

This is in reply to the Examiner's Answer mailed July 17, 2007.

I. STATUS OF CLAIMS

Claims 1 – 20 are pending in this application. Claims 1 – 20 stand rejected in the final Office Action mailed October 14, 2006. The claims on appeal are set forth in the Claims Appendix to Appellants' Appeal Brief.

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II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The ground for rejection to be reviewed is unpatentability of claims 1—20 under 35 U.S.C. § 103(a) over Abdel-Malek et al. (U.S. Patent No. 6,959,235) in view of Sampath et al. (U.S. Patent No. 6,892,317).

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III. ARGUMENT

The Examiner has failed to rebut Appellants' Arguments

In addressing Appellants' first argument (that Abdel-Malek does not disclose a rule syntax data stored at stores syntax rules for constructing repair claim – related rules; a knowledge based generator module connected to the user interface and to the rule syntax data store for determining whether the first rule is an acceptable syntax based upon the stored syntax rules), the Examiner states:

“...Appellant fails to ignore the definition of syntax in programming language which controls rules as to structure and content of statements.”

To the extent this statement can be understood, the Examiner now cites to a different portion of the Sampath et al reference for its “clear and unmistakable teaching.” But of what? Neither cited section from column 6 or from column 13 relate to Appellants' distinguishing arguments.

Likewise, in addressing Appellants' additional arguments, the Examiner continues to allege that Appellants “fail to ignore” “clear and unmistakable teaching” of various features. The Board is respectfully invited to carefully review the Examiner's specific citations to the references of record. Such a review will reveal that the only thing that is “clear and unmistakable” is that the Examiner has not adequately rebutted Appellants' specific arguments for distinguishing the pending claims over the art of record.

Under the rubric of giving claim terms the “broadest possible interpretation during examination,” the Examiner attempts to equate Syntax rules for a programming language, such as C++ etc, with repair claim-related rules. But this rubric does not allow the plain meaning of a claim to be ignored. In fact the opposite is true. “[D]uring examination the USPTO must give claims their broadest possible interpretation.” This mean that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification.” [MPEP § 2111.01(I) (emphasis added) (citations omitted). Appellants submit that those of skill in the art would understand that the plain meaning of claim-related rules is clearly different than that of Syntax rules. Claim-related rules and Syntax rules are not the same thing and serve different purposes. The Syntax rules for a programming language are analogous to grammatical rules for a language. To enable the programming language's compiler to “understand” a textual statement of the program, the textual statement must conform to the programming language's Syntax rules. The claim-related rules here on the other hand are rules which are used to make decisions about

claims based on inputs. And what the Examiner has ignored is that the independent claims, claims I and 11, require both syntax rules and repair claim-related rules. So at best the syntax rules of the programming language of Abdel-Malek would equate to the syntax rules. But lacking from Abdel-Malek are the repair claim-related rules.

Appellants respectfully maintain that the Examiner has failed to establish a prima facie case of unpatentability, and the rejection of claims 1—20 should be reversed.

Respectfully submitted,

RA. X 11

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Dated: 9/13/07

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